



JC14 Rec'd PCT/PTO 24 APR 2002

PCT

0020-4802P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 13 2002

TECH CENTER 1600/2900

Applicant: ICHIRO AZUMA et al

Serial No.: 09/743,750

Group:

Filed: MARCH 22, 2001

Examiner:

For: FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT

REQUEST FOR A CORRECTED OFFICIAL FILING RECEIPT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

APR 24 2002

Sir:

Attached hereto is the Official Filing Receipt in connection with the above-identified application.

THE FOLLOWING CORRECTION(S) IS/ARE RESPECTFULLY REQUESTED:

TITLE--

Change From: "PREPARATIONS FOR IMMUNOTHERAPY FOR CANCER HAVING BACTERIAL SOMATIC CONSTITUENT AS THE ACTIVE INGREDIENT"

To: --FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT--

FILING DATE--

Change From: "JANUARY 16, 2001"

To: --MARCH 22, 2001--

It is respectfully requested that the United States Patent and Trademark Office forward a new Filing Receipt showing the correction(s) to the undersigned attorney as listed on the enclosed photocopy of our Declaration and Postcard.

The correction(s) is/are due to an error by the United States Patent and Trademark Office, therefore no fee is due.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 

JOHN W. BAILEY
Reg. No. 32,881

P.O. Box 747
Falls Church, VA 22040-0747

Attachment
JWB/els
(703)205-8000



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 09/743,750 | 01/16/2001 | 1645 | 1626 | 0020-4802P | 8 | 26 | 22 |

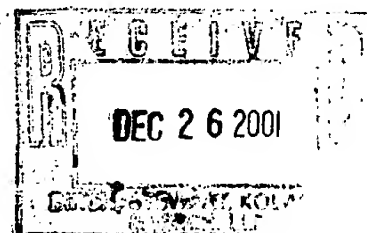
2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 7730
CORRECTED FILING RECEIPT
MAY 13 2002
TECH CENTER 1600/2900
Date Mailed: 12/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Ichiro Azuma, Sapporo-shi, JAPAN;
Norio Hamamatsu, Kawanishi-shi, JAPAN;
Toshio Fujinaga, Ibaraki-shi, JAPAN;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A 371 OF PCT/JP99/03837 07/16/1999

Foreign Applications

JAPAN 202366/1998 07/16/1998
JAPAN 236148/1998 08/21/1998
JAPAN 236163/1998 08/21/1998
JAPAN 236164/1998 08/21/1998

If Required, Foreign Filing License Granted 12/18/2001

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Preparations for immunotherapy for cancer having bacterial somatic constituent as the active ingredient

Preliminary Class

435

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

TECH CENTER 1600/2900**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE:
YOU MUST
COMPLETE THE
FOLLOWING:

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

COPY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: → FORMULATIONS USEFUL FOR IMMUNOTHERAPY FOR CANCERS CONTAINING BACTERIAL COMPONENT AS AN ACTIVE INGREDIENT

Fill in Appropriate
Information —
For Use →
Without
Specification
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on _____ as
United States Application Number _____
and amended on _____ (if applicable); and/or
the specification was filed on July 16, 1999 as PCT
International Application Number PCT/JP99/03837
amended under PCT Article 19 on _____ (if applicable)

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority
Information: →
(if appropriate)

| Prior Foreign Application(s) | Country | Filing Date | Priority Claimed |
|--------------------------------|---------------------------|--|---|
| <u>202366/1998</u> (Number) | <u>Japan</u> (Country) | <u>July 16, 1998</u> (Month / Day / Year Filed) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <u>236148/1998</u> (Number) | <u>Japan</u> (Country) | <u>August 21, 1998</u> (Month / Day / Year Filed) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <u>236163/1998</u> (Number) | <u>Japan</u> (Country) | <u>August 21, 1998</u> (Month / Day / Year Filed) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <u>236164/1998</u> (Number) | <u>Japan</u> (Country) | <u>August 21, 1998</u> (Month / Day / Year Filed) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Insert Provisional
Application(s): →
(if any)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| (Application Number) | (Filing Date) |
|----------------------|---------------|
| | |
| (Application Number) | (Filing Date) |

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested
Information: →
(if appropriate)

| Country | Application Number | Date of Filing (Month / Day / Year) |
|---------|--------------------|-------------------------------------|
| | | |
| | | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.
Application(s): →
(if any)

| (Application Number) | (Filing Date) | (Status — patented, pending, abandoned) |
|----------------------|---------------|---|
| | | |

instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorney with a written notice to the contrary:

| | | | |
|---------------------|-------------------|-----------------------|-------------------|
| Raymond C. Stewart | (Reg. No. 21,066) | Terrell C. Birch | (Reg. No. 19,382) |
| Joseph A. Kolasch | (Reg. No. 22,463) | James M. Slattery | (Reg. No. 28,380) |
| Bernard L. Sweeney | (Reg. No. 24,448) | Michael K. Mutter | (Reg. No. 29,680) |
| Charles Gorenstein | (Reg. No. 29,271) | Gerald M. Murphy, Jr. | (Reg. No. 28,977) |
| Leonard R. Svensson | (Reg. No. 30,330) | Terry L. Clark | (Reg. No. 32,644) |
| Andrew D. Meikle | (Reg. No. 32,868) | Marc S. Weiner | (Reg. No. 32,181) |
| Joe McKinney Muncy | (Reg. No. 32,334) | C. Joseph Faraci | (Reg. No. 32,350) |
| Donald J. Daley | (Reg. No. 34,313) | John W. Bailey | (Reg. No. 32,881) |
| John A. Castellano | (Reg. No. 35,094) | | |

Send Correspondence to: **BIRCH, STEWART, KOLASCH & BIRCH, LLP**
P.O. Box 747 • Falls Church, Virginia 22040-0747
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE:
YOU MUST
COMPLETE
THE
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made by information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full Name of First or Sole Inventor:
Insert Name of Inventor →
Insert Date This Document is Signed
Insert Residence
Insert Citizenship →
Insert Post Office Address →
Full Name of Second Inventor, if any:
see above

| | | | |
|---|-----------------------------|---|-----------------------------------|
| GIVEN NAME Ichiro | FAMILY NAME AZUMA | INVENTOR'S SIGNATURE <i>Ichiro Azuma</i> | DATE* December 22, 2000 |
| Residence (City, State & Country) Sapporo-shi, Hokkaido, Japan | | CITIZENSHIP Japan | |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 3-2, Makomanaikami-machi 5-chome, Minami-ku, Sapporo-shi, Hokkaido, Japan | | | |

Full Name of Third Inventor, if any:
see above

| | | | |
|---|---------------------------------|--|----------------------------------|
| GIVEN NAME Norio | FAMILY NAME HAMAMATSU | INVENTOR'S SIGNATURE <i>Norio Hamamatsu</i> | DATE* January 29, 2001 |
| Residence (City, State & Country) Kawanishi-shi, Hyogo-ken, Japan | | CITIZENSHIP Japan | |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 9-17-203, Marunouchi-cho, Kawanishi-shi, Hyogo-ken, Japan | | | |

Full Name of Fourth Inventor, if any:
see above

| | | | |
|---|--------------------------------|--|----------------------------------|
| GIVEN NAME Toshio | FAMILY NAME FUJINAGA | INVENTOR'S SIGNATURE <i>Toshio Fujinaga</i> | DATE* January 22, 2001 |
| Residence (City, State & Country) Ibaraki-shi, Osaka-fu, Japan | | CITIZENSHIP Japan | |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 7-5, Mishimaoka 1-chome, Ibaraki-shi, Osaka-fu, Japan | | | |

Full Name of Fifth Inventor, if any:
see above

| | | | |
|---|-------------|----------------------|-------|
| GIVEN NAME | FAMILY NAME | INVENTOR'S SIGNATURE | DATE* |
| Residence (City, State & Country) | | CITIZENSHIP | |
| POST OFFICE ADDRESS (Complete Street Address including City, State & Country) | | | |

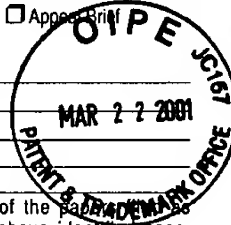
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TECH CENTER 1600/2900
DOCKET NO. 6020-4802 P

Papers Filed herewith on: March 22, 2001 5
DOCKET NO.: 6020-4802 P ATTY.: JWE
APPLICANT(S): AZUMA Ichiro et al.
APPLN. NO.: 091743, 750 FILED: 1-16-2001
PAT NO.:

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-ink
☒ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc. Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☐ FEES: _____
☐ Letter: _____
☐ Other: _____

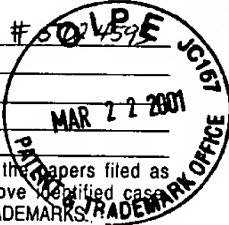


Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 4-16-2001
Handcarry: _____

Papers Filed herewith on: 22 March 2001 4
DOCKET NO.: 6020-4802 P ATTY.: JWE
APPLICANT(S): AZUMA et al
APPLN. NO.: 091743, 750 FILED: 1-16-2001
PAT NO.:

DOCKET NO. 6020-4802 P

- ☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☒ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment: _____
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disc. Stmt. PTO-1449(s) _____ ref(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☒ FEES: \$40.00 - dtd # 504595
☐ Letter: _____
☐ Other: _____



Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 4-16-2001
Handcarry: _____